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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,369	10/14/2004	Ercan Ferit Gigi	NL 020298	8730
24737	7590	12/11/2008		
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EXAMINER				
ARMSTRONG, ANGELA A				
ART UNIT		PAPER NUMBER		
2626				
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12/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/511,369

**Applicant(s)**

GIGI, ERCAN FERIT

**Examiner**

ANGELA A. ARMSTRONG

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 are rejected under 35 U.S.C. 101 because they merely manipulate an abstract idea without a claimed limitation to a practical application. The claimed invention, a series of steps to be performed on a computer, simply manipulates an abstract idea without a claimed limitation to the practical application, where practical application may be shown by a) physical transformation or b) a useful, concrete and tangible result.

Claim 10 is rejected under 35 USC 101 as being directed to non-statutory subject matter. The specification only discloses software embodiments of the invention making the computer program product just a computer program. A computer program does not fall within one of the statutory classes of invention under 35 USC 101, and thus claim 10 is directed to non-statutory subject matter.

Claims 11-17 are rejected under 35 USC 101 as being directed to non-statutory subject matter. The specification only discloses software embodiments of the invention. The device recites various means for limitations, which, as disclosed in the specification amount to a computer program. A computer program does not fall within one of the statutory classes of invention under 35 USC 101, and thus claims 11-17 are directed to non-statutory subject matter.

Claims 18-20 are rejected under 35 USC 101 as being directed to non-statutory subject matter. The specification only discloses software embodiments of the invention. The system recites various means for limitations, which, as disclosed in the specification amount to a computer program. A computer program does not fall within one of the statutory classes of invention under 35 USC 101, and thus claims 11-17 are directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gigi (WO 99/59139).
4. Regarding claims 1 and 11, Gigi discloses a method (Figure 1) and device (page 19, lines 8-15) for analyzing of speech, the method comprising the steps of: inputting of a speech signal (page 5, lines 27-30), obtaining of the first harmonic of the speech signal (page 6, line 6 to page 7, line 12), determining of the phase-difference between the speech signal and the first harmonic (page 6, line 6 to page 7, line 12; page 12, line 30 to page 13, line 22).
5. Regarding claims 2 and 12, Gigi discloses determining the location of a maximum of the speech signal, determining the phase difference between the maximum and phase zero of the first harmonic of the speech signal (page 9, lines 12-29).

6. Regarding claims 3 and 13, Gigi discloses the speech signal is a diphone signal (page 5, line 30)
7. Regarding claims 4 and 14, Gigi discloses a method (Figure 1) and device (page 19, lines 8-15) for synthesizing speech (page 7, line 27), the method comprising the steps of: selecting of windowed diphone samples the diphone samples being windowed by a window function being centered with respect to a phase angle which is determined by a phase difference between a speech signal and the first harmonic of the speech signal (page 8, line 12 to page 9, line 29; page 12, lines 3-27), concatenating the selected windowed diphone samples (page 7, lines 27-30).
8. Regarding claims 5 and 15, Gigi discloses the speech signal is a diphone signal (page 5, line 30).
9. Regarding claims 6, 16 and 19, Gigi discloses the window function being a cosine window (page 8, line 34).
10. Regarding claims 7 and 17, Gigi discloses implementing information indicative of diphones and pitch contour (page 7, lines 30-32).
11. Regarding claims 8 and 18, Gigi discloses implementation for text-to-speech (page 8, lines 1-2).
12. Regarding claims 9 and 20, Gigi discloses inputting speech (page 5, lines 27-30) and windowing the speech to obtain windowed diphone segments (page 8, line 12 to page 9, line 24).
13. Regarding claim 10, Gigi discloses a computer program product (page 19, lines 14-32).

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/  
Primary Examiner, Art Unit 2626